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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

CHANCE SHERWIN BURGESS,

Defendant and Appellant.

B244747

(Los Angeles County
Super. Ct. No. GA077670)

APPEAL from an order of the Superior Court of Los Angeles County
Elaine Lu, Judge. Affirmed.

Randall Conner, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Chance Sherwin Burgess appeals from a post-judgment order revoking and reinstating his probation with modified terms and conditions.

In 2009 Burgess was charged in a felony complaint with willfully inflicting corporal injury upon Quanae Williams, the mother of his child (Pen.Code, § 273.5, subd. (a), ¹ count 1), first degree burglary with a person present (§§ 459, 667.5, subd. (c)(21), count 2), petty theft (§ 484, subd. (a), count 3) and misdemeanor vandalism (§ 594, subd. (a), count 4).

Burgess waived his constitutional rights to a preliminary hearing and a trial and entered a plea of no contest to inflicting corporal injury as charged in count 1. In accordance with the negotiated agreement, the trial court suspended imposition of sentence and placed Burgess on five years of formal probation on condition he serve 180 days in county jail and participate in one year of domestic violence counseling and one year of parenting classes. The remaining counts were dismissed on the People's motion.

At a May 4, 2012 progress hearing the trial court summarily revoked Burgess's probation and scheduled a contested probation violation hearing after learning from Burgess's probation officer that Burgess had failed to complete his domestic violence counseling and parenting classes.

Burgess and his probation officer testified at the probation violation hearing on May 18, 2012. After their testimony the trial court found Burgess in violation of probation for failing to report to his probation officer and to attend domestic violence counseling classes. The court reinstated Burgess on probation subject to the modified conditions that he serve 90 days in county jail and waive custody credits for both his previously served 180-day sentence and newly imposed 90-day sentence in county jail. (*People v. Johnson* (2002) 28 Cal.4th 1050, 1053-1055.)

¹ Statutory references are to the Penal Code.

Burgess filed a notice of appeal from the “judgment rendered” on May 18, 2012, which we construe as the post judgment order on that date revoking and reinstating his probation.

We appointed counsel to represent Burgess on appeal. After examination of the record counsel filed an opening brief in which no issues were raised. On February 26, 2013 we advised Burgess he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied Burgess’s attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The order is affirmed.

PERLUSS, P. J.

We concur:

WOODS, J.

ZELON, J.